

SELF SERVICE CENTER

PROCEDURES: HOW TO GET A DIVORCE OR LEGAL SEPARATION FOR A NON-COVENANT MARRIAGE BY CONSENT DECREE

REQUIREMENTS: To obtain a divorce by Consent Decree, both parties **must be or do** the following things:

- ✓ **PAPERWORK and SIGNATURES:** Both spouses (and their lawyers **if** lawyers represent them) must sign the ***"Stipulation to File the Consent Decree"*** and sign at the bottom of the Decree to show that both spouses have read, approved and agreed to the items in the Decree. You must also file all other required paperwork. The Decree and the other paperwork you will need are in Self-Service Center Packet No. 4: Divorce with Children--The Court Order or Divorce without Children--The Court Order or Legal Separation with Children--The Court Order or Legal Separation without Children--The Court Order.
- ✓ **PARENT INFORMATION PROGRAM:** The Parent Information Program only applies to you if you filed for a divorce or legal separation with children. Both spouses must attend the Parent Information Program class and file a ***"Certificate of Completion"*** with the Clerk of the Court. (If you filed a divorce without children or legal separation without children, you do not need to attend the class.)
- ✓ **FEES:** Both parties must pay the court fees. Currently, that includes the original filing fee paid by the Petitioner at the beginning of the case, and the Respondent's filing fee. This means the Respondent must pay the \$191.00 Response filing fee in order for the Consent Decree to be accepted. Both parties must attach a receipt to prove payment or attach the Order for initial deferral of fees.
- ✓ **TIME FRAME:** If you filed for divorce or legal separation, the parties must wait at least 64 days after the date the Respondent was personally served with the documents before the parties can file the Stipulation to File the Consent Decree for divorce or legal separation, and the Decree.

PROCEDURE:

- ✓ **READ AND COMPLETE** all paperwork as instructed.
- ✓ **MAIL OR TAKE THE STIPULATION, DECREE AND OTHER PAPERWORK TO THE FAMILY COURT ADMINISTRATION OFFICE:** Mail or take your papers to the Family Court Administration Office of the Court where you filed your Petition for Dissolution. Court Administration business hours are Monday through Friday, 8:00 a.m. to 5:00 p.m. at:

201 W. Jefferson, 6th Floor, Phoenix, Arizona 85003; OR,
222 E. Javelina, 1st Floor, Mesa, Arizona 85210 OR
14264 W. Tierra Buena Lane, Surprise, AZ 85374
- ✓ **ORIGINAL AND COPIES OF PAPERS:** You must mail or take the following documents to the Family Court Administration Office:
 - The **original and two copies** of the signed Stipulation to File the Consent Decree, (and it must be signed by lawyers, if lawyers represent the parties).

- The **original and two copies** of the Decree signed by both spouses (and lawyers, if lawyers represent the parties).
 - **Two copies** of each receipt to prove payment of the filing fees by both the Petitioner and the Respondent; OR, the original and two copies of the initial Order deferring the fees and costs.
 - **Two stamped** 9" x 14" envelopes. Address one envelope to the Petitioner or his or her attorney. Address the other envelope to the Respondent or his or her attorney. Provide the current addresses on both envelopes, including zip code. Make sure you put enough postage on the envelopes.
- ✓ **Additional papers required if one party is paying spousal maintenance/support** to the other party:
- The **original and 2 copies** of the completed ***"Order of Wage Assignment"***; **AND**,
 - The **original and 2 copies** of the completed ***"Current Employer Information Sheet"***; **AND**,
 - The original and **2 copies** of the ***"Judgment Data Sheet."***
- ✓ **Additional papers may be required regarding the property and debt.** If the full agreement about the division of property and debt is not in the Consent Decree, you must attach and submit the original and two copies of a signed and completed ***"Property Settlement Agreement."*** The Self-Service Center does not have a ***"Property Settlement Agreement."*** See a lawyer if you need this document.
- ✓ **Additional papers required if the divorce involves children:**
- The **original and 2 copies** of the completed ***"Joint Parenting Plan"*** signed by both parties, **AND**
 - The **original and 2 copies** of the ***"Joint Custody Agreement"*** signed by parties if the parties are asking for joint custody, **AND**
 - The **original and 2 copies** of the completed ***"Parent's Child Support Worksheet,"*** **AND**
 - The **original and 2 copies** of the completed ***"Child Support Order,"*** **AND**
 - The **original and 2 copies** of the completed ***"Order of Wage Assignment,"*** **AND**
 - The **original and 2 copies** of the completed ***"Current Employer Information Sheet,"*** **AND**
 - The **original and 2 copies** of the completed ***"Judgment Data Sheet."***
- ✓ **WHAT THE JUDGE/COMMISSIONER WILL DO:** The judge/commissioner will decide by reading the Stipulation and the Decree if you can get a divorce or legal separation without a hearing. It is within the judge's/commissioner's discretion to sign the Decree. The judge/commissioner might schedule the case for a hearing. This means both spouses must appear in court at the scheduled time to answer questions the judge might have.
- ✓ **WAIT FOR THE PAPERWORK:** Both parties or their attorneys should receive a signed Decree or a Correction Notice in the mail from the court in about four weeks from the date you submitted the paperwork. If you do not receive paperwork within that time, you can call the Family Court Administrator's Office at the location where you filed the divorce or legal separation papers between the hours of 8:30 a.m. and 5:00 p.m. (Phoenix: 602-506-7879; Mesa: 602-506-3141; Surprise: 602-372-9400).

- ✓ **IF YOUR STIPULATION FOR A CONSENT DECREE IS ACCEPTED:** You will not have to see the judge/commissioner. The judge/commissioner will sign the original Decree and have it filed with the Clerk of the Court. The court will send a copy of the signed Decree to each party using the envelopes you provided. This is your notification that your Divorce is now final or that you are legally separated. You are not divorced or legally separated until the judge/commissioner signs the Decree.

- ✓ **IF YOUR STIPULATION FOR A CONSENT DECREE IS REJECTED:** The court will send you a ***“Correction Notice”*** informing you of the mistakes with the documents. Follow the instructions on the ***“Correction Notice”*** if the mistakes can be corrected. **If the mistakes cannot be corrected, you should see a lawyer for help.**